



# Department of Justice

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## **JUSTICE DEPARTMENT REQUIRES DIVESTITURE IN LANDMARK AVIATION'S ACQUISITION OF ROSS AVIATION**

### ***Divestiture Will Preserve Competition for General Aviation Customers at Scottsdale Municipal Airport***

WASHINGTON — The Department of Justice announced today that it will require Landmark Aviation to divest fixed base operator assets (FBOs) used to provide flight support services to general aviation customers at Scottsdale Municipal Airport, in Arizona, in order to proceed with its \$330 million acquisition of Ross Aviation. The department said that without the required divestiture, the transaction would have combined the only two FBOs serving general aviation customers at Scottsdale Municipal Airport, resulting in higher prices and lower quality of services.

The Justice Department's Antitrust Division filed a civil lawsuit today in the U.S. District Court for the District of Columbia to block the proposed transaction. At the same time, the department filed a proposed settlement that, if approved by the court, would resolve the department's competitive concerns alleged in the lawsuit.

"Today's proposed settlement will help ensure that FBO general aviation customers at Scottsdale Municipal Airport will continue to receive the benefits of vigorous competition," said Bill Baer, Assistant Attorney General in charge of the Antitrust Division. "Without the divestiture secured by the Antitrust Division, the proposed acquisition would have eliminated competitive constraints at the Scottsdale airport and likely would have resulted in higher prices for consumers."

FBOs provide fuel and related support services to general aviation customers, which include charter, private and corporate aircraft operators. Landmark and Ross are the only two providers of FBO services at Scottsdale Municipal Airport. The proposed transaction would have resulted in a monopoly for FBO services at Scottsdale Municipal Airport, and that loss of competition likely would have resulted in higher prices and a lower quality of services.

Under the terms of the proposed settlement, Landmark must divest Ross's FBO assets at Scottsdale Municipal Airport to either Signature Flight Support Corp. or another buyer approved by the Antitrust Division.

LM U.S. Corp Acquisition Inc. (doing business as Landmark Aviation), a Delaware corporation with its headquarters in Houston, is owned by The Carlyle Group. Landmark Aviation operates more than 40 FBO facilities in the United States, including its FBO operations at Scottsdale Municipal Airport.

Ross, a Delaware corporation with its headquarters in Denver, is a subsidiary of Genossenschaft Constanter, a Swiss company. Ross owns and operates 19 FBO facilities in the United States, including its FBO operations at Scottsdale Municipal Airport.

As required by the Tunney Act, the proposed settlement, along with the department's competitive impact statement, will be published in the Federal Register. Any person may submit written comments concerning the proposed settlement during a 60-day comment period to William H. Stallings, Chief, Transportation, Energy, and Agriculture Section, Antitrust Division, U.S. Department of Justice, 450 5th Street, N.W., Suite 8000, Washington, D.C. 20530. At the conclusion of the 60-day comment period, the U.S. District Court for the District of Columbia may enter the proposed final judgment upon finding that it is in the public interest.

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